

REMARKS

Claims 1-8 are pending in this application. Applicant appreciates the rejoinder of claims 5-8.

By this Amendment, claims 9-13 are canceled due to the finality of the Restriction Requirement regarding claims 9-13.

Claim 1 is amended. See the specification at, for example, paragraph [0056].

Reconsideration of the application is respectfully requested.

The Examiner is respectfully requested to acknowledge receipt of the Certified Copy of the Priority Document filed August 26, 2003.

The Office Action rejects claims 1 and 2 under 35 U.S.C. §102(b) over JP 2001-180007 to Suzuki; rejects claim 3 under 35 U.S.C. §103(a) over Suzuki in view of JP 2002-067346 to Hiroshi et al.; rejects claim 4 under 35 U.S.C. §103(a) over Suzuki in view of U.S. Patent No. 6,508,528 to Fujii et al.; rejects claims 5, 7 and 8 under 35 U.S.C. §103(a) over U.S. Patent No. 6,660,332 to Kawase et al. in view of Suzuki; and rejects claim 6 under 35 U.S.C. §103(a) over Kawase in view of Suzuki further in view of U.S. Patent No. 6,084,650 to Sekiguchi. These rejections are respectfully traversed.

Claim 1 is amended to recite "while the work is moved relative to the heads," as outlined above. The applied references do not disclose or suggest this feature.

Suzuki discloses a flushing box 22 that receives ink droplet breathed out in a flushing step while a head 16 and a carriage 17 are accelerated. See Fig. 2, Abstract and paragraphs [0020] and [0021]. The Office Action asserts that Suzuki discloses all elements recited in claim 1, including the feature that the preliminary discharge is carried out while the head and/or the work is moved.

However, Suzuki only discloses that the head/carriage is moved. Suzuki does not disclose that the work is moved relative to the head/carriage. Thus, Suzuki does not disclose or suggest "while the work is moved relative to the heads," as recited in claim 1.

Hiroshi, Fujii, Kawase and Sekiguchi do not supply the subject matter lacking in Suzuki. Thus, Suzuki, Hiroshi, Fujii, Kawase and Sekiguchi, either individually or in combination, do not disclose or suggest the subject matter recited in claim 1, and claims 2-8 depending therefrom. Accordingly, withdrawal of the rejection of claims 1-8 under 35 U.S.C. §102(b) and §103(a) is respectfully requested.

The Office Action also provisionally rejects claims 4-8 (should be claims 5-8) under 35 U.S.C. §101 over claims 1-4 of co-pending Application No. 11/588,240. The time for responding to this provisional rejection has not matured because the co-pending application has not been allowed, and the scope of the claims of the co-pending application and the present application, if allowed, remains uncertain. Applicants will respond to this rejection, if necessary, at the time when the co-pending application or the present application is allowed.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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